United Nations S/AC.44/2004/(02)/143

Security Council

Distr.: General
6 March 2009

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 23 January 2008 from the Permanent Mission of Suriname to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Suriname to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit herewith the national report of the Republic of Suriname on the implementation of Security Council resolution 1540 (2004).

09-25815 (E) 260309

Annex to the note verbale dated 23 January 2008 from the Permanent Mission of Suriname to the United Nations addressed to the Chairman of the Committee

National report of the Republic of Suriname on the implementation of Security Council resolution 1540 (2004)

A. Introduction

The Government of the Republic of Suriname is committed to the objectives of the United Nations in its fight to address threats posed to international peace and security through the proliferation of weapons of mass destruction and their means of delivery, in particular to non-State actors.

The Republic of Suriname views United Nations Security Council resolution 1540 as an opportunity to promote the internationalization of norms and procedures concerning control over the trade in weapons of mass destruction and delivery system technologies.

The Republic of Suriname is against the proliferation of nuclear, biological and chemical weapons, as well as their delivery. Suriname also supports efforts to complete disarmament.

This report is submitted to the United Nations Security Council Committee established pursuant to resolution 1540 (2004) and outlines the actions taken and those intended to be taken by the Government of the Republic of Suriname to implement the provisions of the resolution.

Multilateral Treaties

The Republic of Suriname is a party to several such international instruments that seek to achieve objectives that are similar to UNSCR 1540.

These are:

- 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco);
- 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
- 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC);
- 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC);
- 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT).

Pursuant to the Tlatelolco Treaty and in accordance with Article II of the NPT, the Republic of Suriname has concluded a safeguards agreement with the International Atomic Energy Agency (IAEA). Suriname is currently examining amendment proposals to its Small Quantities Protocol (SQP) to its Safeguards Agreement with the International Atomic Energy Agency as well as an additional protocol to that agreement. The Republic of Suriname has also subscribed to the International Code

of Conduct against Ballistic Missile Proliferation (ICOC) adopted at The Hague, the Netherlands, in 2002.

The Republic of Suriname is also a State Party to a number of international conventions against terrorism in keeping with Security Council resolution 1373, namely:

(1) Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14th September, 1963; (Tokyo Convention, 1963)

(2) Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16th, 1970; (Hague Convention, 1970)

(3) Convention for the Suppression of Unlawful Acts against the Safety on Civil Aviation, done at Montreal on 23rd September, 1971 (Montreal Convention, 1971)

(4) The Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24th February, 1988 (Extends Montreal Convention on Air Safety)

(5) The International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17th December 1979 (Hostage Convention, 1979)

(6) Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on March 1991.

B. Implementation of UNSCR 1540 in the Republic of Suriname

1. Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

The Republic of Suriname does not provide any form of support to non-Sate actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. To this end, legislation has been enacted, has been drafted, or drafting is in progress and is detailed below.

2. Operative paragraph 2

Decides [...] that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

2.1 The objective and purpose of UNSCR 1540 converge with those of the NPT, BWC and CWC, all of which Suriname has signed and ratified.

2.2 Trafficking of Goods Act/Visible Trade Act–2003–(Wat Goederenverkeer-2003) and the State Decree 'Negative List' (Besluit Negatieve Lijst) and The 'Negative List Decree'. The Negative List is implemented pursuant to sections 3 and 8 of the Trafficking of Goods Act through an Export and Import Prohibition Order, licensing requirement or restriction of certain specified goods or items. These are listed in this annex (the Negative List) to this decree. Under its section 'Prohibited goods' (verboden goederen) the following goods are prohibited to be exported or imported:

- Chemicals listed in the Food and Agriculture Organization of the United Nations (FAO) Negative List
- Chemical and radioactive waste
- Chemical, biological and nuclear weapons and their precursors or any material, which takes part or is being used in the production or development of these.

2.3 Firearms Act (Vuurwapenwet)

Suriname's Firearms legislation has established a system of strict national control over the import, export and possession of firearms and explosives. There are strict licensing procedures governed by the Prosecutor-General's Office. The Firearms Act (Vuurwapen *Wet*) generally *prohibits* the import, export, transfer, possession and transfer of firearms, ammunition and their parts, explosives as well as hazardous substances that have been equalled to firearms or have to been understood as such. Offences have been penalized in sections 22, 23, 24 and 25 of this act.

2.4 With respect to nuclear weapons and other nuclear explosive devices and biological weapons, Suriname has no specific legislation that prohibits and criminalizes the manufacture, possession, development, transport and transfer or use of nuclear material or microbial or other biological agents without a license. Under the Visible Trade Act, the State Decree Negative List and the Negative List annex to this decree, export and import of nuclear and biological weapons, their precursors or any material used in the production, development of said weapons are prohibited. Moreover, non-State actors will not be eligible for a licence if issuance thereof would result in violation of the NPT or BWC by Suriname.

In respect of chemical weapons, export and import of chemical weapons, and their precursors are prohibited under the State Decree Negative List. In addition, the draft Chemical Weapons Implementation Act (concept-Wet Uitvoeringsverdrag Chemische Wapens) prohibits the manufacture, acquisition, possession (including transport), development, transfer and use of chemical weapons. (section 2)

2.5 The involvement of non-State actors in activities mentioned in operative paragraph 2 for criminal purposes are penalized in the Penal Code (Wetboek van Strafrecht).

The relevant provisions can be found in the Criminal Code with respect to attempt (Section 70), participation, subordination and material support (Section 188), complicity (Section 73), participation in a criminal organization (Section 188) and in sections 108; 183, with respect to conspiracy. A draft Act

of 2007 proposing amendments to the Penal Code, the Firearms Act and the Money Laundering Act of Suriname in connection to terrorism offences. This Bill creates several new offences relating to terrorism and includes in the Penal Code:

- a definition of a terrorism intent (section 111a)
- denoting articles in the Penal Code that constitute a terrorist offence if these are comm..cd with terrorism intent or purpose (sections 128-133; 155; 207; 216; 7.0; 222; 224 inter alia) and in the Firearms Act (section 24 a)
- expanding the jurisdiction provisions in the general part of the Penal Code to include the 'passive nationality principle' and the 'aut dedere aut judicare principle'; when the offence is committed in an attempt to:
  a) compel a state or government institution to do or abstain from doing any act;
  b) to provoke or cause a state of fear to (a part of) the population (general public)
  c) to seriously disrupt or destruct the fundamental political, constitutional, economic or social structures of the State (section 4)
- in addition to the powers, authorities and procedures dealing with proceeds of crime, the proposed amendments of the Money Laundering Act contain a definition of 'terrorist financing' and an extension of these powers, authorities and procedures of the Financial Intelligence Unit to the context of terrorist financing (sections 1, 4, 6, 12 and 13).

3. Operative paragraph 3

Operative paragraph 3(a)

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

a) Develop an maintain appropriate effective measures to account for and secure such items in production, use storage and transport;

3.1 The Republic of Suriname does not produce or possess any of these weapons, and has no industries or manufacturing facilities. It neither aspires to acquiring these different types of weapons nor to developing programmes to produce or transfer these, or their related technology, materials or delivery means. Strict prohibition of nuclear, chemical and biological weapons is provided for in the State Decree Negative List, while the Firearms Act of Suriname has established a national export control system, which is strictly implemented and this Act also obligates that transport of firearms, ammunition and hazardous material needs a prior written transport certificate approval issued by the District Commission of the District in which the transport originates or commences.

The Trafficking of Goods Act/Visible Trade Act (Wet Goederenverkeer) and the State Decree 'Negative List' (Besluit Negatieve Lijst) are the main domestic instruments in controlling export and import of these weapons.

b) Develop and maintain appropriate effective physical protection measures.

Since there are no biological or chemical weapons manufacturing facilities or nuclear industry plants or nuclear installations, domestic legislation does not provide for specific security measures at storage sites.

Operative paragraph 3(c)

c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law

Customs legislation and provisions (Shipping Act) provides for authority and powers to customs officials to undertake actions to ensuring that customs rules are observed. Customs officials perform specific acts, such as physical goods inspections at ports and harbours, documents authencity verification, and luggage and carry-on-goods-inspections. Moreover, immigration officials at borders carry out security inspections of carry-on-goods.

The government of Suriname is in the process of procurement of container inspection equipment (X-ray container scanner) to be installed at the Shipping port at Paramaribo, with the aim to oversee and monitor the flow and contents of incoming and outgoing containers, including transfers of these containers.

Operative paragraph 3(d)

d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls: and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

The Penal Code, The Trafficking of Goods Act/Visible Trade Act (Wet Goederenverkeer) and the State Decree 'Negative List' (Besluit Negatieve Lijst), The Firearms Act, The Import- and Export Regulation and the Economic Offences Act, The Money Laundering Act, and The Foreign Currency Regulations provide the main legislative and regulatory framework for the national system of Import, Export and Transfer controls. These include provisions impositioning powers for national authorities and penalties for infringements, for carrying out control and to investigate and prosecute criminal offences.

4. *Operative paragraph 4*

Decides to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon all States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement the resolution.

The Government of Suriname is fully aware of its obligations under international law including timely submission of national reports under the United Nations Security Council resolution. Although certain obligations under this resolution and other related conventions are already incorporated into its domestic legislation, Suriname however, has regrettably not met its reporting obligation to the Committee.

While the Government of Suriname has initiated actions on a wide array of fronts in the fight against terrorism, it recognizes that further legislation is needed to fully comply with its obligations and will continue seeking legal technical assistance and reporting assistance to this end.

5. *Operative paragraph 5*

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

The Republic of Suriname is a State party to the Nuclear Non-Proliferation Treaty (NPT). The Chemical Weapons Convention (CWC) and the Biological and Toxic Weapons Convention (BWC). Pursuant to the Tlatelolco Treaty and in accordance with Article II of the NPT, the Republic of Surname has concluded a safeguards agreement with the International Atomic Energy Agency (IAEA). Suriname is currently examining amendment proposals to its Small Quantities Protocol (SQP) to its Safeguards Agreement with the International Atomic Energy Agency as well as an additional protocol to that agreement. The Republic of Suriname has also subscribed to the International Code of Conduct against Ballistic Missile Proliferation (ICOC) adopted at The Hague-the Netherlands in 2002. Through its membership of the OPANAL (Treaty of Tlatelolco), the Government of Suriname will continue to promote nuclear disarmament in the Southern Hemisphere.

Suriname is a State Party to the Chemical Weapons Convention, in keeping with its obligations under the Convention, particularly those enshrined in article VII, and cognizant of the requirements outlined in paragraph 8 of resolution 1540, especially, sub-paragraphs (a), (b), (c) and (d), the government of the Republic of Suriname has designated a National Authority to serve as the national focal point to liaise with the Organization for the Prohibition of Chemical Weapons (OPCW) and other States Parties as well as fulfill the other obligations under the Convention. In July 2005 the National Authority organized a National awareness seminar and drafted the Chemical Weapons Convention Implementation Bill 2006, which was submitted to

the legal department of the OPCW for its comments. The Bill seeks to implement Suriname's obligations under the Chemical Weapons Convention and include provisions regarding inspections of chemical production facilities to ensure that their activities are not prohibited under the Convention, prohibition of production, stockpiling, retaining or use of chemical weapons as well as prohibition of import and export, acquisition, development or production of certain types of toxic chemicals or precursors and prosecute other crimes under the Convention.

6. *Operative paragraph 6*

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Suriname currently does not participate in regional or multilateral export control regimes. However, Suriname acknowledges the importance and effectiveness of guidelines and control lists of such regimes.

7. *Operative paragraph 7*

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfulling the above provisions.

Suriname recognized from an early stage on that it needed technical assistance to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions. To this end, Suriname requested legislative assistance in August 2002 from the Counter Terrorism Committee (CTC). In April 2004, a formal request to the Terrorism Prevention Branch (TPB) of the United Nations Office for Drugs and Crime (UNODC) was submitted. As a result of this request, UNODC conducted a 3-day Workshop. As an outcome of this workshop the following 'actions to be taken' were identified:

- Ratification and implementation of 6 universal instruments on terrorism by enacting relevant legislation and incorporating international obligations
- Implementation of requirements of UNSCR 1373 (2001) by enacting relevant legislation and introducing appropriate administrative measures
- Completion of third report to the Counter Terrorism Committee
- Support for capacity building after enactment of legislation, including training of police and other security forces and justice personnel in the application of the amended and/or new legislation on terrorism and related issues
- Capacity building in the area of aliens registration and data sharing among relevant agencies on cross-border and residential movements
- Other areas requiring capacity building should be identified in a national needs assessment exercise

In November 2007, as a result of Suriname's request for bilateral technical assistance made to the TPB of the UNODC during the 'Ministerial Conference on

International Cooperation against Terrorism and Transnational Organized Crime' held in Santo Domingo, an expert team of the TPB and CICTE (OAS) held a consultation round with relevant national authorities and a one-day National legislative Workshop in the Fight against Terrorism. During the course of this workshop Suriname's draft legislation on counter prevention and suppression of terrorism was examined and a copy of this Bill was submitted to the TPB representatives to be commented on by the relevant legal experts of United Nations bodies.

In 2005 and 2007 representatives from the government of Suriname participated in Regional Workshops on UNSCR 1540 (2004) implementation.

The government of Suriname also accepted the offer from the TPB (UNODC) to provide consultative expertise to Suriname for meeting its reporting obligations under UNSC counter terrorism Resolutions.

8. Operative paragraph 8

Operative paragraph 8a

Calls upon all States:

> *(a) To promote the universal adoption and full implementation and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons*

Suriname fully underscores efforts aiming at universality of multilateral treaties whose aim is to prevent the proliferation of weapons of mass destruction to which it is party and therefore promotes full implementation of the provisions of these treaties. Suriname participates in several activities organized to further this aim, including international and regional workshops and conferences of state parties.

Operative paragraph 8b

> *(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties:*

Suriname, in keeping with its obligations under international law, is in the process of ensuring and strengthening its compliance with our commitments under the key multilateral non-proliferation treaties through amendments and/or drafting, adoption and implementation of relevant domestic legislation.
To this end, the Government has stepped up efforts to promote the adoption of national export control systems for all WMD-related commodities, as well as improve understanding of, and expand support for, stronger cooperation on other forms of counter-proliferation.

Operative paragraph 8c

> *(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological* and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes

Although Suriname is a middle income developing state with limited specialized technical human resources in counter-terrorism and with competing demands for its limited financial resources, it actively undertakes all efforts to fulfill its commitment to mutual cooperation. Within the framework of the International Atomic Energy Agency Suriname is currently considering membership of this agency as well as conclusion of an amendment of its Small Quantities Protocol (SQP) to its Safeguards Agreement and additional protocol to this agreement.

With respect to the Chemical Weapons Convention, Suriname is seeking a strengthened and comprehensive relationship with the Organisation for the Prohibition of Chemical Weapons (OPCW) through more active and effective engagement with this organisation by use of the significant comparative advantage of this organisation for delivering assistance, including training opportunities and increase of its declarations submission.

In the area of the Biological and Toxin Weapons Convention, Suriname realizes that it needs to develop new initiatives to improve its engagement with the OPBW. To this end, Suriname will step up its reporting obligations under the BWC, build and or increase national capacity and expertises in the specific areas covered by this multilateral treaty and increase its participation in BWC-specific and related activities.

Operative paragraph 8d

> *(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.*

The government of Suriname is aware that it needs to deepen and broaden its national awareness efforts in the area of its non-proliferation policy. It looks to build on the success of the 2006 organized National Awareness and Legislative Seminar on the Chemical Weapons Convention and to expand it to the BWC and the NPT. Specific focus will be laid on Industry Associations and universities. Other strategies include dissemination of information through government websites, publications and leaflets.

9. Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

Suriname continues to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, and Biological weapons and their means of delivery.

10. Operative paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, cnemical or biological weapons, their means of delivery, and related materials

Suriname, at the request of the government of the United States of America (U.S.A.), is currently in the process of formulating its position on the Proliferation

Security Initiative (PSI-2003) and the 4 September Statement of Interdiction Principles (SOP) aimed at stopping weapons of mass destruction proliferation.

Finally, The Republic of Suriname wishes to note that it is cognizant of the fact that there are substantial benefits to be gained through full and effective implementation of UNSC Resolution 1540 and a firm commitment to its objectives

Not only is international security enhanced, but capacities applicable to other national priorities are built from augmenting trade and export controls through demonstrated "good practices" and improving the capacity to mitigate threats to public health and security.